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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/687,484	10/13/2000	Donald C. Jackson	TEL-018	9376
24488	7590	11/26/2004	EXAMINER	
BEVER, HOFFMAN & HARMS, LLP 1432 CONCANNON BLVD BLDG G LIVERMORE, CA 94550-6006			PHAN, MAN U	
			ART UNIT	PAPER NUMBER
			2665	

DATE MAILED: 11/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/687,484

Applicant(s)

JACKSON ET AL.

Examiner

Man Phan

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19, 22-24, 27-31, 34 and 35 is/are rejected.
- 7) ☒ Claim(s) 20, 21, 25, 26, 32 and 33 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 October 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment and Argument

1. This communication is in response to applicant's 06/28/2004 Amendment in the application of Jackson et al. for a "method and apparatus for localized voice over internet protocol usage" filed 10/13/2000. This application claims benefit from Provisional Application 60/219,911 dated 07/21/2000. The proposed amendments to the claims have been entered and made of record. Claims 1, 6, 9 have been amended, and new claims 16-35 have been added. Claims 1-35 are pending in the application.

In view of applicant's amendment, the objection of record with respect to the drawing are hereby removed.

In view of applicant's amendment to amend the claims 1 and 6 to obviate the claim objections, therefore, examiner has withdrawn the objection of record

2. Applicant's amendment and argument to the amended claims are insufficient to distinguish the claimed invention from the cited prior arts or overcome the rejection of said claims under 35 U.S.C. 103 as discussed below. Applicant's argument with respect to the pending claims have been fully considered, but they are not persuasive for at least the following reasons.

In response to Applicant's argument with respect to the rejected claims 1, 6 and 9 (page 11, third paragraph and page 12, last paragraph) that the cited reference "*fails to disclose or suggest the configuration server, call discrimination*". It's noted that the

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features upon which applicant relies (i.e., configuration server, call discrimination) are not recited in the rejected claims 1 and 6. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claim(s). See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, as well known in the art, the provisioning and configuration server functions allow users to register new IP telephones and change provisioning for existing IP telephones in the work group. In particular, the configuration feature provides a graphical user interface to select and choose system preferences and properties, preferably using a Windows-based interface. For example, the application type, SIP proxy server addresses, software and firmware versions, host IP addresses, port numbers, and related configuration data may be selected or modified. In essence, virtually all of the communication and system parameters, preferences, and settings are configurable, at group level or user level, by using a web browser accessing the web server feature in IP communications. Therefore, examiner maintains that the references cited and applied in the last office actions for the rejection of the claims are maintained in this office action.

Claim Rejections - 35 USC ' 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be

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patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 1, 6, 9, 16-19, 22-24 and 27-31, 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldous et al. (US#6,654,722) in view of Subramaniam et al. (US#6,070,187).

With respect to claims 1, 6, 9, 22 and 29, Aldous et al. disclose in Figs. 1 & 2 block diagrams illustrated a VoIP based speech system for servicing a call received over a PSTN comprising: a PSTN-to-IP gateway 3 for connecting to the PSTN 2; an IP network medium 4 connected to the gateway; and a network server 7 in communication with the IP network medium 4 for automated interaction with a user 1 participating in the call (Col. 5, lines 20 plus). Aldous further teaches in Fig. 2 illustrated more detail of the

VoIP telephony gateway server 3, in which the VoIP gatekeeper 14 (*proxy server functionality*) can perform load balancing in order to ensure the high availability of VoIP enabled speech servers 5 (*plurality of network servers*) able to receive the voice call (Col. 5, line 59 to Col. 6, line 18).

Aldous et al. does not disclose expressly the configuration server and call discrimination in forwarding the packet switched call. However, Aldous teaches a VoIP-based speech system, in which a VoIP telephony gateway server; at least one speech server, each speech server containing a VoIP-enabled speech application; a VoIP-compliant call control interface between the VoIP telephony gateway server and the speech server; and, a VoIP communications path between the VoIP telephony gateway-server and the speech application in the at least one speech server (*providing automated dynamic management of the network server*). In the VoIP-based speech system, the VoIP telephony gateway server and the speech application can establish the VoIP communications path through the VoIP-compliant call control interface (see Fig. 2; Col. 2, lines 35 plus). In the same field of endeavor, Subramaniam et al. (US#6,070,187) discloses a method and apparatus that allows a network node to be automatically configured with an IP address and a default gateway address to be configured as its own gateway. The configuration agent resides on a network device (such as a switch or bridge) that is coupled to two network segments, with one network segments including a node to be configured and another network segment including a server capable of automatically providing configuration parameters. The configuration agent acts as a snoopy agent. Messages from the configuration server to the node to be configured are "snooped" to

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discover messages containing an IP address and a default gateway address. Such messages are altered to copy the IP addresses offered to the nodes seeking configuration to the default gateway addresses, and the messages are sent on their way, thereby causing nodes seeking to be configured to be configured as their own default gateway. In some configurations, messages from the node to be configured to the configuration server are altered to ensure that messages from the configuration server to the node seeking to be configured are broadcast messages (See Figs. 3, 6; Col. 6, lines 25 plus).

Regarding claims 16-19, 23-24, 27-28 and 30-31, 34, 35, Subbramaniam further teach in Figs. 7-10 the flow charts illustrated how the DHCP proxy agent of Fig. 6 processes packets in VoIP communications. At block 138, a packet is received. Control then passes to decision block 140, which determines whether the packet is a DHCPDISCOVER, DHCPREQUEST, DHCP OFFER, DHCPACK, or DHCPNAK packet specifying a network node to be configured as its own gateway. Similar to DHCP snoopy agent 102 as described above, proxy agent 120 can also be configured to maintain a table of MAC addresses identifying network nodes that are to be "helped". If the packet is not one of these packets, or the node is not configured to be "helped", the "NO" branch is taken to block 142, where the packet is transmitted. Control then passes back to block 138 to wait for the next packet to be received. Note that DHCP proxy agent 130 is configured to receive all broadcast packets transmitted in the configuration dialogue. In addition, if any of the packets are from the client are unicast, agent 130 will also receive those packets since the client seeking to be configured will believe that agent 130 is its DHCP server (Col. 12, lines 62 plus).

One skilled in the art would have recognized the need for effectively and efficiently using VoIP enabled speech server for communicating information, and would have applied Subramaniam's novel use of the configuration server in VoIP into Aldous's teaching of the VoIP enabled speech server. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Subramaniam's method and apparatus for configuring a network node to be its own gateway into Aldous's voice over IP protocol based speech system with the motivation being to provide a method and system for supporting voice activated services over a telephone interface.

6. Claims 2-5, 7-8, and 10-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aldous et al. (US#6,654,722) in view Subramaniam et al. (US#6,070,187) as applied to the claims above, and further in view of of Brown et al. (US#6,604,075).

With respect to claim 2, Aldous and Subramaniam disclose the claimed limitations as discussed in the paragraph 5 above. In the same field of the endeavor Brown et al. (US#6,604,075) discloses a novel method and system for use in communicating information in VoIP using a web-based voice dialog interface, according to the essential features of the claims. Brown provides an Interactive Voice Response (IVR) platform which includes a speech synthesizer, a grammar generator and a speech recognizer. The speech synthesizer generates speech, which characterizes the structure and content of a web page retrieved over the network. The speech is delivered to a user

via a telephone or other type of audio interface device. The grammar generator utilizes textual information parsed from the retrieved web page to produce a grammar. The grammar is then supplied to the speech recognizer and used to interpret voice commands generated by the user. The grammar may also be utilized by the speech synthesizer to create phonetic information, such that similar phonemes are used in both the speech recognizer and the speech synthesizer (Col. 2, lines 36 plus).

With respect to claims 3-5 and 7-8, Aldous teaches a method for coupling a speech application to a telephony gateway server in a VoIP network. Notably, as shown in Fig. 1 of the preferred embodiment, the VoIP Enabled Speech Server 5 can accept voice commands originating in the telephone device 1 for retrieving Web content from a Web server 7 in a data communications network 6. Specifically, the Web content 8 can be a VoiceXML document 8. In response, the VoIP Enabled Speech Server 5 can retrieve the VoiceXML document 8 from the Web server 7 and can synthesize audio data according to instructions contained in the VoiceXML document 8. Subsequently, the synthesized audio data can be transported across the VoIP network 4 to the VoIP telephony gateway server 3 and ultimately to the telephone device 1 (Col. 5, lines 47 plus). Aldous further teaches several well-known protocols implement the VoIP protocol specification including H.323, Session Initialization Protocol ("SIP") and Master Gateway Control Protocol ("MGCP"), upon which voice traffic can be transmitted across IP networks. In a VoIP network, analog speech signals received from an analog speech audio source, for example a PSTN or a microphone, are digitized, compressed and translated into IP packets for transmission over an IP network (Col. 1, lines 34-45).

With respect to claims 10-15, they are method claims corresponding to the apparatus and system claims 2-5 and 7-8 as discussed in paragraph 3 above. Therefore, claims 10-15 are analyzed and rejected as previously discussed with respect to claims 12-5 and 7-8.

One skilled in the art would have recognized the need for effectively and efficiently using VoIP enabled speech server for communicating information, and would have applied Brown's teaching of the speech synthesizer, a grammar generator and a speech recognizer in VoIP into Subramaniam's novel use of the configuration server in VoIP and Aldous's teaching of the VoIP enabled speech server. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Brown's web-based voice dialog interface into Subramaniam's method and apparatus for configuring a network node to be its own gateway and Aldous's voice over IP protocol based speech system with the motivation being to provide a method and system for supporting voice activated services over a telephone interface.

Allowable Subject Matter

7. Claims 20-21, 25-26 and 32-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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The following is an examiner's statement of reasons for the indication of allowable subject matter: The closest prior art of record fails to disclose or suggest wherein the if the proxy server detects that a number of calls exceeds a predetermined threshold, then the proxy server follows at least one predetermined call routing rule provided by the configuration server, as specifically recited in the claims 20, 25 and 32..

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Elliott et al. (US#6,614,781) is cited to show the voice over data telecommunications network architecture.

The Potvin (US#6,393,467) is cited to show the network interconnected computing device, server and notification method.

The Ball et al. (US#6,600,736) is cited to show the method of providing transfer capability on web-based interactive voice response services.

The Vleer et al. (US#6,628,769) is cited to show the intelligent network.

9 Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION THIS ACTION IS MADE FINAL**. See MPEP ' 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

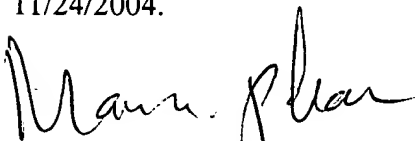
10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Phan whose telephone number is (571) 272-3149.

The examiner can normally be reached on Mon - Fri from 6:00 to 3:00 EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (571) 272-3155. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

Mphan

11/24/2004.


MAN U. PHAN
PRIMARY EXAMINER